

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24, dt.12.6.2018 of TW (LTR) Department – Cancellation of certificate by the District Collector, Adilabad District vide Procs.Rc.No.C3/2596/2019-48, dt. 30.01.2020 - Appeal filed by Rathod Kalpana D/o Parshuram R/o Venkatapur village of Neradigonda Mandal in Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.15

Date:31.10.2020

Read the following:-

1. GO Ms.No.24, TW (LTR) Department, dated 12.6.2018.
2. Procs.Rc.No C3/2596/2019-48, dt.30.01.2020 of Dist. Collector, Adilabad.
3. Appeal petition filed by Smt.Rathod Kalpana D/o Parshuram R/o Venkatapur village of Neradigonda Mandal in Adilabad District dated 03.02.2020.
4. Govt.Memo.No.226/TW.LTR/2020, dated 13.03.2020
5. Lr.Rc.No.D5/309/2018, dated: 14.07.2020. of Dist. Collector, Adilabad.
6. Notice No.226/TW.LTR/2020, dt. 28.08.2020.

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ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Adilabad District vide her orders in the reference 2nd cited, has cancelled Agency Area Local ST Certificate bearing No. Rc.No. C/292/2019, dated 04.01.2019 issued by the Tahsildar Neradigonda Mandal to Rathod Kalpana D/o Parshuram R/o Venkatapur village of Neradigonda Mandal in Adilabad District, basing on the following findings of the Scrutiny Committee:

- Though the Tahsildar, Neradigonda has issued Agency Area Certificate vide Certificate No.C/292/2019, dt.04.01.2019, the following anomalies were found which are contrary to the provisions of GO Ms.No.24, TW (LTR.1) Dept. dated 12.06.2018.
- According to 1359 Fasli (year 1949) of Venkatapur village, Sy.No.8 situated at Venkatapur village of Neradigonda Mandal belongs to Harisingh S/o Punya but the candidate has no link with the family of Harisingh S/o Punya as name of grandfather of applicant is Harisingh S/o Harichand but not Harisingh S/o Punya.
- According to pahani copies of 1980-81, applicant's father namely Parshuram S/o Harisingh is the pattedar of the land i.e. Sy.No.1 of Kuntala-B village of Neradigonda Mandal. Here the candidate has failed to give account of Sy.No.8 of Venkatapur village to have belonged to her grandfather. Here the Sy.No.8 does not belong to her family.
- It is fact that the candidate got lands in Kuntala-B in Sy.No.1 in the year 1980-81 to 2011-12, but the candidate has failed to show any record regarding the land of Kuntala-B village since 1950.

(Contd..2)

- Therefore, the record which is produced by the candidate without 1950 record is worthless and thus the candidate has failed to submit her residence proof w.e.f. 26.01.1950.
- A show cause notice was issued to Rathod Kalpana D/o Parshuram to attend before the District Collector, Adilabad on 30.01.2020 to prove her claim as Local ST with relevant material/documents.
- Accordingly, Rathod Kalpana has attended before the Dist. Collector, Adilabad on 30.01.2020 and after verification of documents; it is revealed that there is a change in the great grandfather's name as Harisingh S/o Harichand and Harisingh S/o Punya which is very objectionable. It was also found at field level that they are (2) different individuals. Hence, her claim was rejected.

3. Aggrieved by the above cancellation orders of the District Collector, Adilabad District, the appellant Rathod Kalpana D/o Parshuram R/o Venkatapur village of Neradigonda Mandal in Adilabad District, vide ref. 3rd read above, has filed an Appeal under GO Ms.No.24, dt.12.6.2018 of TW (LTR) Department, praying to set aside orders of the District Collector, Adilabad and allow the Appeal Petition. The contentions of the Appellant and the documents submitted along with the Appeal are as follows:

- She has been selected for the post of Secondary Grade Teacher against ST Local vacancy in Adilabad Agency Area.
- The selection was forwarded by the appointing authority to the District Collector under the directions of the Hon'ble High Court in WP No.31426 of 2018 and WP No.32413 of 2018. The Hon'ble High Court further directed that only cases where complaints have been received regarding the genuineness of the local agency area certificate were to be placed before the Scrutiny Committee for scrutiny.
- Though no complaints were received against her agency area certificate, her case was also examined by the Scrutiny Committee under GO Ms.No.24, dated 12.06.2018 and notice was issued to attend the enquiry with supporting documents. Accordingly, she attended before the said Scrutiny Committee and submitted relevant documents in support of her claim.
- During the course of enquiry, documents submitted have only been examined without any further witness examination or seeking any further clarification or verification as prescribed under Rule 5 and Rule 8 of the AP (SCs, STs and BCs) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997.
- The committee after examining the documents raised a doubt on the 1359 Fasli (1949 year) of Venkatapur village of Neradigonda village, wherein name of her grandfather was different. An explanation was sought for which she submitted a correct 1339 Fasli (1929 year) showing details of her grandfather and submitted that earlier document was given in mistake as she could not get translated copy of the said document at that time. No acknowledgement to the said explanation was given to her.

- No independent enquiry reports were called for by the Scrutiny Committee as per Rule 8 (7) of the AP (SCs, STs and BCs) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997.
- The District Collector, Adilabad issued a Notice dated 13.01.2020 without referring to her explanation and without proper appreciation of the subsequent document given showing her great grandfather name as Harichand S/o Bakshi in support and without any further enquiry, has directed her to appear before the Scrutiny Committee on 30.01.2020 and furnish any further documents in support.
- She had submitted all the documents again but the District Collector issued the present order on the same day i.e. 30.01.2020 referring to the findings of the Scrutiny Committee basing only on the documents submitted to them in the first instance, without causing any further enquiry through revenue department or Tribal Welfare Department on the veracity of the documents submitted by her and rejected her claim for Local ST Agency Area Certificate.
- She stated that she has submitted the following documents to the Scrutiny Committee:
 - Great grandfather name is Harichand @ Halya S/o Bakshi – 1339 Fasli (1929 year).
 - Grand father name is Harisingh S/o Harichand – 1954-55 Khasra Pahani.
 - Pahani copies for 1980-81, 1990-91 on father Parsuhuram name (S/o Harisingh).
 - Voter List 1977 showing name of her grandmother Sithikibai W/o Harisingh.
- She further stated in her Appeal that she belongs to ST community and hail from Agency Area in Adilabad District and that her parents, grand-parents and great grand-parents are all residing in the Agency Area. Most of her ancestors are illiterate.
- She submitted all the documents to the best of her ability obtained from the public domain and in the event of any doubt, the Revenue Department or the Tribal Welfare Department ought to have conducted enquiry to ascertain the facts.
- The District Collector has acted detrimental to the interest of the local ST candidates like the appellant who belongs to Lambada community and not acted fairly causing undue hardship to them.
- The Appellant also requested to conduct an independent enquiry in the matter.

Documents submitted along with Appeal Petition:

1. Family Tree.
2. 1339 Fasli (1929 year) in the name of Sri Harichand S/o Bakshi.
3. Chowpasla in the name of Sri Harisingh S/o Harichand.
4. Khasra Pahani from 1955-56 in the name of Sri Harisingh S/o Harichand.
5. Khasra Pahani 1957-58 in the name of Sri Harisingh S/o Harichand.
6. Khasra pahani 1965-66 in the name of Sri Harisingh S/o Harichand.
7. Khasra pahani 1971-72 in the name of Sri Harisingh S/o Harichand.
8. Khasra pahani 1980-81 in the name of Sri Parasuram S/o Harisingh.
9. Khasra pahani 1984-85 in the name of Sri Parasuram S/o Harisingh.
10. Khasra pahani 1989-90 in the name of Sri Parasuram S/o Harisingh.
11. Khasra pahani 1990-91 in the name of Sri Parasuram S/o Harisingh.
12. Khasra pahani 1995-96 in the name of Sri Parasuram S/o Harisingh.
13. Khasra pahani 2001-02 in the name of Sri Parasuram S/o Harisingh.
14. Khasra pahani 2006-07 in the name of Sri Parasuram S/o Harisingh.
15. Khasra pahani 2011-12 in the name of Sri Parasuram S/o Harisingh.
16. Khasra pahani 2019 in the name of Sri Parasuram S/o Harisingh.
17. Voter list 1977 of Venkatapur village, Firka Neradigonda.

4. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

5. Accordingly, vide reference 5th read above, the District Collector, Adilabad has submitted original record of the case along with para-wise remarks.

6. Vide reference 6th read above, a Notice has been to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020 and submitted the following documents:

1. Family Tree:

As per the family tree, great grandfather of Appellant is Harichand @ Halya S/o Bakshi; grandfather is Harisingh S/o Harichand. Harisingh has four sons viz., 1) Rama Rao @ Deshai, 2) Chajya, 3) Parshuram (father of Appellant) and 4) Mothilal. Father of Appellant i.e. Parshuram has four children viz., 1) Prakash (son), 2) Kalpana (daughter and Appellant herein), 3) Alpana (daughter) and 4) Prasad (son).

2. Pahani extract for 1339 Fasli (1929 year) written in Marathi Modi language translated by Nagorao Jhade, Marathi Modi Translator, R/o Mahagaon, Narnoor Mandal, Adilabad District and true copy attested by Dy.Tahsildar, Boath Mandal, Adilabad District:

It is a Taktha Pahani pathrika having Namuna Numbers 1, 2, 3, 34 and 35 pertaining to Kuntala-B village, Wadur Prangan of Boath Taluka. The Namuna Number (1) showing an extent of Acs.6.36 in the name of Harichand S/o Bakshi (i.e. great grandfather of the Appellant).

3. Teensal Pahani for the years 1955-56 to 1957-58: The name of Sri Harisingh S/o Harichand R/o Venkatapuram (grandfather of the Appellant) is found for an extent of Acs.6.36 in Kuntala-B village of Neradigonda Mandal, true copy issued by Deputy Tahsildar, Neradigonda.
4. Pahani for the year 1965-66: The name of Sri Harisingh S/o Harichand R/o Venkatapur (grandfather of the Appellant) is found for an extent of Acs.6.36 in Kuntala-B village of Neradigonda Mandal, true copy issued by Deputy Tahsildar, Neradigonda.
5. Pahani for the year 1971-72: The name of Sri Harisingh S/o Harichand R/o Venkatapur (grandfather of the Appellant) is found for an extent of Acs.6.36 in Sy.No.1 in Kuntala-B village of Neradigonda Mandal, true copy issued by Deputy Tahsildar, Neradigonda.
6. Pahanies for the years 1980-81; 1984-85; 1989-90; 1990-91; 1995-96, 2001-02, 2006-07 and 2011-12: The name of Sri Parshuram S/o Harisingh (father of the Appellant) is found for an extent of Acs.1.29 in Sy.No.1/E in Kuntala-B village of Neradigonda Mandal, true copy issued by Deputy Tahsildar, Neradigonda.
7. Pattedar Pahani Copy for the year 2019 issued through Mee Seva for the Sy.No.1/E to an extent of Acs.1.29 shows patta in the name of Sri Rathod Parshuram S/o Harisingh (father of the Appellant).
8. Voter list for the year 1977 – Part No.78 pertains to Venkatapur village of Neradigonda Firka under Boath Taluq: The name of Smt.Sithiklibai W/o Harisingh (i.e. grandmother of the Appellant) is found at Sl.No.116.
9. Declaration by village elders of Venkatapur: The village elders namely 1) Rupavath Lakmanaik S/o Chatru, aged 102 years, 2) Rupavath Rayalu S/o Samya, aged 76 years and 3) Rupavath Gangaram S/o Hamya, aged 68 years given sworn-in statement that the family of Sri Rathod Parshuram F/o Rathod Kalpana (Appellant herein) and his fore-fathers are the continuous residents of Venkatapur village in Neradigonda Mandal since 1950 doing agriculture. The resolution is certified by the Sarpanch of GP Venkatapur.
7. The Government have verified the record sent by the District Collector, Adilabad and found the following documents available on record:

1. Electoral Roll for the year 1977 pertaining to 241 Boath Assembly Constituency, Part No.78, Village: Venkatapur, Firka: Neradigonda, Taluq: Boath – Sl.No.116 shows the name of Sithakibai W/o Harisingh (i.e. grandmother of the Appellant).
2. Family Tree – Harichand @ Halya S/o Bakshi is great grandfather; Harisingh S/o Harichand @ Halya is grand-father; 1) Rama Rao @ Deshai, 2) Chajya, 3) Parshuram (father of Appellant) and 4) Mothilal are the sons of Harisingh and Parshuram (father of Appellant) has four children viz., 1) Prakash (son), 2) Kalpana (daughter and Appellant herein), 3) Alpana (daughter) and 4) Prasad (son).
3. Copy of Taktha Pahani Pathrika pertaining 1339 Fasli (year 1929) of Kuntala-B village, Pragne: Wadur and Taluq: Boath - true copy certified by Deputy Tahsildar, Boath (M), containing Namuna Numbers 1,2,3,34 and 35. Namuna number 1 relates to Harichand S/o Bakshi for an extent of Ac.6.36 gts.
4. Chowpasla nakhal for the year 1956 shows Harisingh S/o Harichand had an extent of Ac.6.36 in Namuna No.1 (Kuntala-B village, Boath Taluq)
5. Teensal Pahani from 1955-56 to 1957-58 – showing name of Harisingh S/o Harichand R/o Venkatapuram – holding an extent of Acs.6.36 in Sy.No.1 in Kuntala-B village as certified by Deputy Tahsildar, Neradigonda.
6. Pahani for 1965-66 – shows Harisingh S/o Harichand R/o Venkatapuram holding an extent of Ac.6.36 in Sy.No.1 at Kuntala-B village, Boath Taluq as certified by Deputy Tahsildar, Boath (M).
7. Pahani for 1971-72 – shows Harisingh as Pattedar for an extent of Acs.6.36 in Sy.No.1 in Kuntala-B village of Boath Mandal.
8. Pahani for 1980-81 shows names of Desya S/o Harsingh, Chajya S/o Harisingh, Parsuram S/o Harisingh (father of Appellant) and Motilal S/o Harisingh for the total extent of Ac.6.36 gts. in Kuntala-B village, Neradigonda Mandal as certified by Deputy Tahsildar, Neradigonda.
9. Pahanies for 1984-85, 1989-90, 1990-91, 1995-96, 2001-02, 2006-07, 2011-12 and 2019 of Kuntala-B village, Neradigonda Mandal – shows name of Parsuhuram S/o Harisingh R/o Venkatapuram (father of Appellant) for an extent of Acs.1.29 gts in Sy.No.1/E as certified by Deputy Tahsildar and Tahsildar respectively.
8. The revenue records i.e., Pahani extract for 1339 fasli (1929 year), Teensal Pahani for the years 1955-56 to 1957-58, Pahani for 1965-66, Pahani for 1971-72, Pahani for 1980-81, Pahanies for 1984-85, 1989-90, 1990-91, 1995-96, 2001-02, 2006-07, 2011-12 and 2019, Electoral Roll 1977 and Declaration of the village elders duly certified by the Surpanch, Grama Panchayath Venkatapur, amply prove that the appellant and their family members are the residents of Venkatapur, an agency Village in Neradigonda Mandal of Adilabad District since 26.01.1950.

9. Therefore, Government after careful examination of the documents available on record, documents submitted by the Appellant along with the Appeal petition, during hearing on 5.9.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the Appellant and his/her fore-fathers have been residing in Venkatapur village of Neradigonda Mandal in Adilabad District, which is in scheduled area. As such the LSTAC bearing No Rc.No. C/292/2019, dated 04.01.2019 issued by Tahsildar Neradigonda Mandal to the Appellant Rathod Kalpana D/o Parshuram R/o Venkatapur village of Neradigonda Mandal in Adilabad District, is found genuine and valid.

10. Accordingly, Government hereby set aside orders of the District Collector, Adilabad in Procs. Rc.No.C3/2596/2019-48, dated 30.01.2020, and allow the Appeal Petition filed by Kum.Rathod Kalpana D/o Parshuram R/o Venkatapur village of Neradigonda Mandal in Adilabad District.

11. The District Collector, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT

To

The District Collector, Adilabad District.

Rathod Kalpana D/o Parshuram R/o Venkatapur village of
Neradigonda Mandal in Adilabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
3. The District Educational Officer, Adilabad (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
6. SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER